

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARLON CASTRO, OCTAVIO RANGEL,
MARTIN VASQUEZ, ALFREDO MARTINEZ,
RODOLFO MENDEZ, GERARDO ANGULO, JUAN
MARTINEZ, JOSE CERVANTES, SERGIO
SANCHEZ, ISRAEL SANCHEZ, MARTINE PEREZ,
GUILLERMO MENDOZA, OMAR CASTILLO, and
AMANDO MARTINEZ, individually and on behalf of
others similarly situated,

Plaintiffs,

-against-

SPICE PLACE, INC., SPICE AVE., INC.,
BANGKOK PALACE II, INC., SPICE CITY, INC.,
SPICE WEST, INC., KITLEN MANAGEMENT,
KITTIGRON LIRTPANARUK and YONGYUT
LIMLEARTVATE,

Defendants.

STATE OF NEW YORK)
) SS.
COUNTY OF NEW YORK)

Peter G. Eikenberry, being duly sworn, says:

1. I am co-counsel for plaintiffs and I make this affidavit in support of plaintiffs' motion for class and collective action certification.

2. On July 16, 2008, Michael Faillace, my associate Rob Ruhlin and I met with three attorneys, Joshua Pepper, Seth Kupferberg and Juno Turner from the N.Y.S. Attorney General's office at 120 Broadway (the "Office").

3. At the meeting, the lawyers from the Office informed us that the distance between settlement positions of the Office and defendants had “widened” considerably.

4. I had a follow-up telephone calls with Mr. Pepper and Mr. Kupferberg in which

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they confirmed that the settlement positions had widened because new sources had come forward with information of continuing violations of law by defendants.

5. I attach, hereto, the affidavits of Michael Faillace and Yolanda Rivero, sworn to on July 23, 2008.

6. I attach hereto as Exhibit Y defendants' letter to the Court of July 3, 2008.

7. I attach hereto as Exhibit Z defendants' letter to the Court of June 17, 2008.

8. I hereby notify the Court that plaintiffs waive their claims for liquidated damages under the New York Labor Law as set forth in the prayer for relief, paragraph E, of plaintiffs' complaint.

Wherefore, plaintiffs respectfully ask the Court to grant plaintiffs' motion for collective and class action certification.

/s/ Peter G. Eikenberry
Peter G. Eikenberry

Sworn to before me
this 24th day of July 2008.

/s/ Robert Ruhlin
Notary Public